

REMARKS

Status of the Claims

Claims 7, 8, 11, 12 and 21 are currently pending in the application. Claims 1, 4, 7-12 and 19-21 stand rejected. Claims 7, 8 and 21 are allowed. Claims 11 and 12 have been amended as set forth herein. Claims 1, 4, 9, 10, 19 and 20 have been cancelled herein. All amendments and cancellations are made without prejudice or disclaimer. No new matter has been added by way of the present amendments. Specifically, the amendment to claims 11 and 12 are to cancel their dependency on cancelled claims 1 and 4. In light of these amendments, Applicants believe the present application is in condition for allowance. Therefore, reconsideration is respectfully requested.

Rejections Under 35 U.S.C. § 102(b)

Claims 9 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Albert et al., *Plant J.*, 7(4):649-659, 1995 (hereinafter "Albert et al."). (See, Office Action of April 24, 2007 at page 2, hereinafter, "Office Action"). Claims 9 and 10 have been cancelled herein without prejudice or disclaimer, thus obviating the rejection of claims 9 and 10.

Rejections Under 35 U.S.C. § 103(a)

Claims 11, 12, 19 and 20 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Leboulch et al., U.S. Patent No. 5,928,914 (hereinafter, "Leboulch et al.") in view of Araki et al., *Targeted Integration of DNA Using Mutant Lox Sites in Embryonic Stem Cells*, *Nuc. Acids Res.*, 1997, 25(4):868-872 (hereinafter, "Araki et al.") and Albert et al. (See, Office Action, at

page 5). Claims 19 and 20 have been cancelled herein without prejudice or disclaimer, thus obviating the rejection as to these claims. Applicants traverse the rejection as to claims 11 and 12 as hereinafter set forth.

Applicants submit that claims 11 and 12 now depend from only allowed claims 7, 8 or 21. Thus, claims 11 and 12 are also believed to be non-obvious in light of the cited references and in condition for allowance.

Reconsideration and withdrawal of the obviousness rejection of claims 11 and 12 are respectfully requested.

ENTRY OF AMENDMENTS

The amendments to the claims should be entered by the Examiner because the amendments do not add any new matter to the application and only act to cancel subject matter from the claims. Additionally, the amendments should be entered since they comply with requirements as to form, and because the amendments herein place the application in condition for allowance. Further, the amendments do not raise new issues or require a further search since the amendments incorporate elements from dependent claims into independent claims and/or are supported by the as-filed specification. Finally, if the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested since they certainly remove issues for appeal.

CONCLUSION

If the Examiner has any questions or comments, please contact Thomas J. Siepmann, Ph.D., Registration No 57,374 at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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